



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

- ☒ Pre-proposal Statement of Inquiry was filed as WSR 06-06-109; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 16-302-225 Land requirements for alfalfa seed.

**Hearing location(s):**

Washington State Department of Agriculture  
21 N 1<sup>st</sup> Avenue  
Yakima, WA 98902

Date: June 29, 2006 Time: 11:00 a.m.

**Submit written comments to:**

Name: Dannie McQueen  
Address: P.O. Box 42560  
Olympia, WA 98504-2560  
e-mail: [dmcqueen@agr.wa.gov](mailto:dmcqueen@agr.wa.gov)  
fax (360) 902-2085 by (date) 5 p.m. on June 29, 2006

**Assistance for persons with disabilities: Contact**

The agency receptionist by calling.

TTY (360) 902-1996 or (360) 902-1976

**Date of intended adoption:** July 19, 2006

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rule is to simplify the language in the certification standards concerning restrictions between previous alfalfa production and the establishment of a new field.

**Reasons supporting proposal:** These changes will simplify the language concerning the time restrictions of the establishment of alfalfa seed fields in respect to the dormancy ratings assigned to each variety. This will make the requirement much easier to understand and give an exact standard to apply to new plantings. In addition, this modification will align Washington certification standards for this factor with the standards of neighboring states. This alignment promotes the production of alfalfa seed in Washington, increasing opportunities for Washington seed growers.

**Statutory authority for adoption:** RCW 15.49.310 and Chapter 34.05 RCW**Statute being implemented:** 15.49.310**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**DATE**

May 23, 2006

**NAME (type or print)**

Robert W. Gore

**SIGNATURE****TITLE:**

Assistant Director

**CODE REVISER USE ONLY**CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 23 2006

TIME

WSR

AM

PM

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Dan Gardner – Alfalfa Breeder; Dairyland Seed Company

- ☒ Private  
☐ Public  
☐ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Victor Shaul, Operations Manager	Yakima	(509) 225-2630
Implementation.....	Victor Shaul, Operations Manager	Yakima	(509) 225-2630
Enforcement.....	Fawad Shah, Program Manager	Yakima	(509) 225-2636

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

This rule has no increased cost to seed producers or seed conditioners. There are no new reporting requirements with these changes. This modification just adds clarification to existing seed certification standards and will make it easier to comply with the requirements. WSDA concludes that these modifications do not impose any cost to the seed industry and therefore a SBEIS is not required according to RCW 19.85.030(1)(a).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: The Washington State Department of Agriculture is not a listed in RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-302-225 Land requirements for alfalfa seed certification.** Land requirements for the production of alfalfa seed crop are as follows:

(1) Prior to stand establishment an alfalfa seed crop of the same kind must not have been grown or planted on the land for four years for the production of foundation or registered class or one year for the production of certified class; except two years (~~(are required for the production of certified class seed of varieties adapted to the northern and central regions following varieties adapted to the southern region)~~) must elapse between the destruction of dissimilar varieties, which are varieties that differ by more than four or more points on a dormancy rating scale as reported by the National Alfalfa Variety Review board.

(2) Reseeding of an alfalfa seed field due to failure or partial failure of the first seeding may be done by referring to the guidelines in WAC 16-302-045(5).

(3) Ditchbanks, roadways, etc. adjacent to a certified alfalfa seed field must be free of volunteer alfalfa and prohibited noxious weeds.

(4) Volunteer alfalfa plants in the alfalfa seed field may be cause for rejection or reclassification of a seed field.

(5) No manure or other contaminating materials may be applied during the establishment and production period of the alfalfa seed stand.